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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

2005

Office Action Summary	Application No. 10/748,037	Applicant(s) YIU, WAI-WAH	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 3 lines 10 and 23, items "27", "28", and "29". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "channels with a depth greater than the teeth", of claim 5, "channels with a depth less than the teeth", of claim 6, "an opening with oval shape", of claim 7", "ridges with a cross-sectional shape of square, rectangular, triangular, oval, and oblong", of claim 8, "ridges that are oriented at an angle other than 90°", of claim 10, "ridges form a helical pattern around the housing", of claim 11", "ridges form a "V" shape relative to eh opening", of claim 12, "motor, gears, battery, and AC connection", of claim 14, and "a manual power driving

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means", of claim 15, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 11, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In regards to claim 6, the phrase "the depth of the channels is less than the length of the teeth" is unclear. It is uncertain what structure allows the channels to have a depth of less than the blade teeth. Also, the purpose of the ridges are to provide a knowledge of the location of the blades for the user. If the blade is extends past the ridges, what function do they have?

6. In regards to claim 11, the phrase "the ridges form a helical pattern around the housing" is unclear. It is uncertain what structure allows the ridges to form a helical pattern. The Figures clearly show no helical patterns.

7. In regards to claim 12, the phrase "the ridges form a "V" shape relative to said opening" is unclear. It s uncertain what structure allows the ridges to form a "V" shape. Also, it is unclear how the "V" shape is formed only relative to the opening.

8. In regards to claim 15, the phrase "driving means is manual power" is unclear. The housing in the Figures do not show an opening of some sort to allow a user to interact with the internal components and there is clearly an on/off switch.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5, 7-10, 13, and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Wu (Des. 429,378).

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In regards to claim 1, Wu discloses the same invention including a housing having a top portion and a bottom portion (Fig. 2), the top portion having an opening (Fig. 2 where the blade sits) and a plurality of ridges forming channels adjacent to the opening (Fig. 2), at least one blade disposed in the opening in the top portion (Fig. 2), a driving means located within the housing operatively connected to the blade (Fig. 1). In regards to claims 2 and 3, Wu further discloses the ridges are made of plastic (Fig. 2) and the blade comprises a plurality of teeth (Fig. 2). In regards to claims 4 and 5, Wu further discloses the depth of the channels is the length of the teeth (Fig. 2 the length of the channel is the length plus an additional length), the depth of the channels is greater than the length of the teeth (Fig. 2). In regards to claims 7 and 8, Wu further discloses the opening is oblong (Fig. 2) and the cross-sectional shape of the ridges is oblong (Fig. 2). In regards to claims 9 and 10, Wu further discloses the ridges are oriented at an angle of 90° to a longitudinal axis of the housing (Fig. 2) and the ridges are oriented at an angle other than 90° to a longitudinal axis (Figs. 9 and 10). In regards to claims 13 and 14, Wu further discloses an electrically powered driving means with a motor, gears, and a battery (Fig. 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Lipman (2,686,965). Wu discloses the invention but fails to disclose a driving means that is manual power. Lipman discloses a manual powered driving means (14). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Wu with a manual powered driving means, as taught by Lipman, to allow apparatus to function regardless of the availability of a power source.

13. It is to be noted that claims 6, 11, and 12 have not been rejected over prior art. It may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112 and 37 CFR 1.83(a).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Campbell, Jones, Aronson, Vitale, Suen et al., Pickett, and Khubani.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
August 16, 2005



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